

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5662 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

@

RAMESHKUMAR PATNI

Versus

CENTRAL RESERVE POLICE FORCE

Appearance:

1. Special Civil Application No. 5662 of 1991
MR SA DESAI for Petitioner No. 1
MR ASIM PANDYA for Respondent No. 1 to 3.
-

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 05/04/2002

ORAL JUDGEMENT

The petitioner seeks a direction on the respondents to pay to him back-wages for the period from 3rd July, 1990 to 5th June, 1991 and other consequential benefits. The petitioner was serving as a Constable in

the Central Reserve Police Force since 22nd March, 1986 to 7th April, 1990. He was served with a Memo with various charges of misconduct including consumption of liquor and use of unparliamentary language. He came to be dismissed on 3rd July, 1990. In the Departmental Appeal, the appellate authority by its order dated 16th May, 1991 holding that there was no procedural flaw in the Departmental Inquiry held that the punishment awarded was too severe and that the appellant did not deserve to be dismissed. He was, therefore, ordered to be reinstated in service with reduced punishment of stoppage of increment for two years with cumulative effect and with a direction that period from the date of dismissal to the date of rejoining should be treated as dies non for all the purposes. No part of cause of action has occurred within the territorial jurisdiction of this Court. The respondents have, therefore, rightly objected to the jurisdiction of this Court in entertaining the petition in the affidavit-in-reply which has been filed by the D.I.G.P. C.R.P.F., Madras. The petition, therefore, cannot be entertained due to want of jurisdiction of this Court and it is rejected on that ground. Rule is discharged with no order as to costs.

(R.K.Abichandani, J.)

stanley-rka.